

**Lake Oswego  
School District 7J**

Code: **GDIAB**  
Adopted: 6/08/09  
Orig. Code(s): GDIAB

## **Dismissal or Demotion of Non-Represented Employees**

### **Non-Represented Employees**

The following shall govern the dismissal or demotion of those district employees who are not represented by a collective bargaining agreement to which the district is a party, such as, but not limited to, directors, supervisors, and confidential employees. Specifically, excluded from this policy are substitutes, temporary employees, individuals whose only employment relationship with the district exists pursuant to an extra duty contract, and the superintendent.

The superintendent shall be vested with the authority to dismiss or demote any employee covered by this policy. Pre-termination or pre-demotion procedures, as deemed appropriate by the superintendent, will be utilized before any such action is taken. The superintendent shall provide notice to the Board of any employee subject to this policy who is dismissed or demoted. Nothing in this policy shall limit the grounds or causes for dismissal or demotion, or impose any burden of proof or standard for action upon the district.

### **Appeal to the Board**

Any employee subject to this policy who is dismissed or demoted by the superintendent may appeal such decision to the Board. An employee wishing to exercise such right must file a written notice requesting a hearing before the Board with the director of human resources not later than the 15th calendar day following the superintendent's dismissal or demotion action. Upon receipt of the request for the hearing, the superintendent or designee shall notify the employee of the date and place scheduled for the hearing.

The Board, at a special or regular meeting, will review the superintendent's dismissal or demotion decision. The proceeding shall be in executive session unless timely notice is provided by the employee of the desire to have it held in open session. Unless the Board takes action to overturn the superintendent's decision, the effective date of dismissal/demotion shall be the date of the superintendent's original action.

### **Board Hearing Procedures**

The Board chair or designee shall preside over any post-dismissal or demotion hearing. The Board shall gather the facts through statements, documents, and, if deemed appropriate by the Board, witness testimony. The Board shall notify the employee of the process to be followed, including the time allowed for the presentation to the Board, prior to the Board hearing.

The superintendent or designee shall review the relevant facts and documents for the Board and present argument in support of the dismissal or demotion decision. The Board may elect to have legal counsel present as either an advocate or advisory capacity. At his or her option, the employee may be assisted by a representative at the hearing. The employee may present argument to contest the decision of the superintendent.

A tape recording of the hearing shall be made by the district. Except as may be required by law or this policy, hearings under this procedure shall not be conducted in public and shall include only such parties in interest and their designated or selected representatives. Following the presentation by the parties, the Board shall deliberate in executive session unless the employee has made a timely request for an open hearing. Following such deliberations, the Board will take action in open session. The Board shall issue a written decision delivered to the dismissed/demoted employee and the superintendent. The Board's decision on any matter covered by this policy shall be final.

**END OF POLICY**

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**Legal Reference(s):**

[ORS 332.544](#)